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REMARKS

The Office Action dated August 16, 2005 has been reviewed, and the following remarks are made in response thereto. In view of the above following remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

Upon entry of the instant amendment, claims 1, 42 and 103-109 are pending. Claims 1 and 42 have been amended. Written support for the claim amendments is found throughout the specification and in the original claims, thus Applicants submit that no new matter has been added.

Claim Rejections under 35 U.S.C. § 112, first paragraph (Written Description)

The Examiner has rejected claims 1, 42, and 103-109 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that "[t]he claims contains subject matter which was not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention," (*see*, Office Action page 3).

Although Applicants traverse this rejection, Applicants have amended claims 1 and 42 to recite "...selected from the group consisting of GST, SH1, PH, PTB, LIM, armadillo, Notch/ankyrin repeat, zinc finger, leucine zipper, helix-turn-helix and helix-loop-helix" for the sole purpose of advancing prosecution. Support for this amendment can be found in the Specification at pp. 31, 50, 60, and 91. These amendments obviate the Examiner's assertions that the disclosure fails to describe the nature of the recognition units, and that the disclosure is neither representative of the claimed genus, nor does it represent a substantial portion of the claimed genus (*see*, Office Action page 4). In view of the claim amendments, Applicant respectfully requests that the rejection under 35 U.C.S. § 112, first paragraph, for lack of written description be reconsidered and withdrawn.

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Claim Rejections under 35 U.S.C. § 112, first paragraph (Enablement)

The Examiner has rejected claims 1, 42, and 103-109 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that it would be undue experimentation to make and use all “recognition units” (*see*, Office Action page 5).

Although Applicants traverse this rejection, Applicants have amended claims 1, 42, and 103-109 to recite “...selected from the group consisting of GST, SH1, PH, PTB, LIM, armadillo, Notch/ankyrin repeat, zinc finger, leucine zipper, helix-turn-helix and helix-loop-helix” for the sole purpose of advancing prosecution. These amendments obviate the Examiner’s assertion that it would require undue experimentation to devise strategies to make and use any recognition units and/or multiple recognition unit complexes to identify a polypeptide of interest (*see*, Office Action page 7). In view of the claim amendments, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 1, 42 and 103-109 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, Examiner states that there is “confusion about the term ‘decreased’ when taken in light of the instant specification.”

Applicants respectfully traverse the rejection and note that the term “decreased” should be assigned its standard and ordinary meaning (*i.e.*, “lowered”). Support for this proposition can be found for example in the Specification at p. 88, lines 34-36, discussing the data in FIG. 8, and noting that pre-complexation with SA-AP decreases the specificity of the peptide recognition units but does not make the peptides non-specific. As seen in the bar graphs that make up FIG. 8, complexation with SA-AP “lowers” the specificity of the peptide recognition units. In other words, the decrease or lowering in specificity refers to the fact that the peptide recognition units upon being complexed recognize a variety of domains within the same functional domain group,

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in addition to their own. For example, FIG. 8 shows that a peptide capable of binding an SH3 domain binds to additional SH3 targets in addition to its own, upon being pre-complexed with SA-AP, but does not bind outside its specific functional domain, *i.e.*, does not bind to GST. This observation is congruent with the fact that such a peptide displays a "broadened" specificity to additional SH3 targets. In other words, while the complexed peptide shows a decreased (*i.e.*, lowered) specificity towards its specific target, it displays a broadened general specificity towards targets that have the same functional domain, *i.e.*, SH3. Thus, the use of the term "decreased" as used herein, comports with its standard and ordinary meaning.

Double Patenting

The Examiner has rejected the pending claims on the grounds of nonstatutory double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,309,820 and claims 1-9 of U.S. Patent No. 6,709,821. According to the Examiner, the conflicting claims are not patentably distinct over the claims of the instant invention.

Applicants respectfully traverse the rejection and note that the claims have been amended to recite "...selected from the group consisting of GST, SH1, PH, PTB, LIM, armadillo, Notch/ankyrin repeat, zinc finger, leucine zipper, helix-turn-helix and helix-loop-helix" for the sole purpose of advancing prosecution. The claims in the cited patents are directed to methods of identifying polypeptides comprising SH3 and SH2 functional domains respectively. The basis upon which the Examiner relies for making the double patenting rejection no longer exists as the claims of the instant invention, as amended, are directed to methods of identifying polypeptides comprising domains other than SH3 and SH2. Thus, the rejection is rendered moot.

Conclusion

The foregoing remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be

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helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

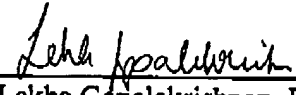
If there are any fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account NO: 50-0310 (Reference No. 061834-5028-US). If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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